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May 30, 2007

Clerk of the U.S. District Court
U.S. Courthouse
844 N. King Street
Wilmington, DE 19801

RE: Berry v. State of Delaware
C.A. No. 06-217-GMS

Dear Clerk:

Please be advised that pursuant to LR 7.1.2, defendant is waiving its right to file a reply brief on its pending motion for summary judgment. Defendant is waiving a reply as the plaintiff has not filed an answering document.

If you have any questions, please contact me.

Very truly yours,

/s/ Marc P. Niedzielski
Marc P. Niedzielski
Deputy Attorney General

cc: Ms. Jacqueline D. Berry